

AO 441 (Rev. 5/85) Third Party summons in a Civil Action

United States District Court

Northern District of Oklahoma

PLAINTIFF

STATE OF OKLAHOMA, ex rel., et al.

V. DEFENDANT AND THIRD PARTY PLAINTIFFS

ALIAS THIRD PARTY SUMMONS IN A CIVIL ACTION

TYSON FOODS, INC. et al.

V. THIRD PARTY DEFENDANT

CASE NUMBER: 05-CV-0329-TCK-SAJ

City of Tahlequah, et al.

To: (Name and Address of Third Party Defendant)

John T. Cripps
104 S. Oak Street, Ste. A.
Sallisaw, OK 74955

YOU ARE HEREBY SUMMONED and required to file with the clerk of this court and serve upon

PLAINTIFF ATTORNEY (name and address)

Douglas Allen Wilson
 Melvin David Riggs
 Richard T. Garren
 Sharon K. Weaver
 Riggs Abney Neal Turpen Orbison & Lewis
 502 West 6th Street
 Tulsa, OK 74119-1010

DEFENDANT AND THIRD PARTY PLAINTIFFS ATTORNEY
(name and address)

A. Scott McDaniel
Joyce, Paul & McDaniel PLLC
 1717 South Boulder, Suite 200
 Tulsa, OK 74119

an answer to the third-party complaint which is herewith served upon you within **20days** after the service of this summons upon you exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the third-party complaint. There is also served upon you herewith a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third party plaintiff.

Phil Lombardi

Clerk



(By) DEPUTY CLERK

Date

MAY 3 2006

RETURN OF SERVICE

Service of the Summons and Complaint was made by me

DATE

5-22-06 3:40 p.m.

NAME OF SERVER (PRINT)

Kathy L. Trotter

TITLE

Check one box below to indicate appropriate method of service



Served personally upon the defendant. Place where served:

104 South Oak #A, Sallisaw, OK 74955



Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:



Returned unexecuted:



Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

6-2-06

Signature of Server

Address of Server

Kathy L. Trotter
513 So. Mulberry St.
Sallisaw, OK 74955